

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

INTELLECTUAL VENTURES I, LLC;  
INTELLECTUAL VENTURES II, LLC,

Plaintiffs,

v.

LENOVO GROUP LTD., LENOVO  
(UNITED STATES) INC., LENOVOEMC  
PRODUCTS USA, LLC, AND EMC CORP.,

NETAPP, INC.

Case No. 1:16-cv-010860-PBS  
**LEAD CASE**

Case No. 1:16-cv-010868-PBS

**PLAINTIFFS INTELLECTUAL VENTURES I, LLC AND INTELLECTUAL  
VENTURES II, LLC'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
MOTION FOR RELIEF FROM JUDGMENT PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 60**

Pursuant to Local Rule 7.1(b)(3) of the Local Rules for the District Court for the District of Massachusetts, Plaintiffs Intellectual Ventures I, LLC and Intellectual Ventures II, LLC (collectively “IV”) respectfully request leave to file a short reply in support of IV’s Motion for Relief from Judgment Pursuant to Federal Rule of Civil Procedure 60 (Dkt. No. 552). IV proposes filing its reply brief no later than October 6, 2020. Counsel for IV inquired of NetApp whether it opposed this request by email on Friday, September 25, 2020. Counsel for NetApp responded on September 29, 2020 that they oppose this request.

Defendant NetApp, Inc. (“NetApp”) filed an opposition (Dkt. No. 558) to IV’s motion that raises issues that IV has not yet had the opportunity to address. For example, NetApp argues that Rule 60 does not apply and cites case law that allegedly supports its position. Although the parties conferred several days before IV filed its motion, NetApp did not indicate prior to filing if it opposed the motion, nor did it raise any of the issues addressed in its opposition. NetApp also raises an affirmative request for relief, asking the Court to amend the judgment *nunc pro tunc*. Allowing IV to file a brief reply would serve the interests of justice by allowing the Court to benefit from full briefing on these and the other issues raised in NetApp’s opposition.

IV therefore respectfully requests that the Court grant it leave to file a reply brief on or before October 6, 2020.

Dated: September 29, 2020

Respectfully submitted,  
RUSS AUGUST & KABAT

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INTELLECTUAL VENTURES I, LLC and

INTELLECTUAL VENTURES II, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or first class mail on this date.

/s/ *Brian D. Ledahl*  
Brian D. Ledahl